

of this provision. This remedy by injunction shall be considered in addition to the remedy by prosecution and may be exercised independently of and without reference to whether or not any prosecution has been instituted or may, or may not, be instituted. Any person who may use or who may be about to use or who may aid or abet any other person in the use of any such premises or places named in this Act in violation of this Act may be made a party defendant in such suit.

Section 4. The importance of this legislation and the fact that this is a regular session of the Legislature at which the calendar will be in a crowded condition, creates an emergency and an imperative public necessity which requires that the constitutional rule providing that bills shall be read on three several days in each house be suspended and the same is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, Feb. 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Enrolled Bills have had Senate Bill No. 39 carefully compared, and find the same correctly enrolled.

COUSINS, Vice Chairman.

By Williford. S. B. No. 39.

An Act

An Act to amend Article 918 of the Code of Criminal Procedure of 1911, relating to the giving of recognizance on appeal by providing that in case the defendant shall fail to enter into recognizance during the term of court at which he was tried, he may be permitted to give bail and obtain his release from custody by giving, after the expiration of such term of court, or before adjournment, his bail to the Sheriff, in an amount fixed by the court.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 918 of the Code of Criminal Procedure be amended so as to hereafter read as follows:

Article 918. When the defendant appeals in any case of misdemeanor from the judgment of the district or county court, he shall, if he be in custody, be committed to jail unless

he enter into recognizance or bail bond as provided by law. If for any cause the defendant fails to enter into recognizance or bail bond during the term at which he was tried, but gave notice and took an appeal from such conviction, he shall be permitted to give bail and obtain his release from custody by giving, after the expiration of such term of court, his bail and bond to the Sheriff with two or more good and sufficient sureties, in an amount to be fixed by the court, in which the defendant and his sureties shall acknowledge themselves jointly and severally indebted to the State of Texas in such sum, and upon the same condition as provided for in recognizance on appeal. But before the defendant shall be released on such bail bond the same must be approved by the Sheriff or the Judge trying the cause or his successor in office. When such bail bond is accepted and approved, the defendant shall be released from custody the same as though he had entered into recognizance during the term of court at which he was convicted.

Sec. 3. Whereas, there is now no law authorizing the giving of bail bond on appeal in vacation or after the term of court at which one is tried in misdemeanor cases; and whereas, this works a great hardship and injustice to defendants in misdemeanor cases, and costs the various counties large sums of money in maintaining such prisoners in jail, creates an emergency and an imperative public necessity authorizing that the constitutional rule which requires that bills be read on three several days be suspended and that this bill take effect from and after its passage, and it is so enacted.

## TWENTY-SECOND DAY.

Senate Chamber,  
Austin, Texas, Feb. 12, 1919.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Caldwell.
Bailey.	Carlock.
Buchanan of Bell.	Clark.
Buchanan of Scurry.	Cousins.

Dayton.	McNealus.
Dean.	Page.
Dorough.	Parr.
Dudley.	Smith.
Faust.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Hertzberg.	Williford.
Hopkins.	Witt.
Johnston.	Woods.

Absent—Excused.

Bell. Hall.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Faust.

#### Petitions and Memorials.

See Appendix.

#### Standing Committee Reports.

See Appendix.

#### Bills and Resolutions.

By Senator Bailey:

S. B. No. 262, A bill to be entitled "An Act to provide for the establishment, maintenance and management of experimental apiaries under the direction of the Director of the Texas Agricultural and Mechanical College, for the purpose of experimenting with the culture of the honey bees, and studying honey yield conditions, and other beekeeping problems, and making necessary appropriation therefor; designating expenditures and declaring an emergency."

By Senator Suiter:

S. B. No. 263, A bill to be entitled "An Act conferring power upon the Railroad Commission of Texas to require non-grade crossings, when the public interest requires them, at crossings of the lines of steam railways, crossing of the lines of steam and interurban railways, at crossings of the lines of interurban railways, and at crossings of the lines of steam or interurban railways with public highways, to apportion the costs thereof amongst the owners, etc., of such railways or between the owners, etc., of such interested railways and interested counties, cities

or towns; providing procedure therefor, and procedure for the testing of the validity of such orders; granting the power of eminent domain to parties to such orders when it is necessary to acquire land to comply with such orders; permitting the owners, etc., of such interested railways, to issue improvement bonds to secure funds with which to comply with such orders with approval of Railroad Commission, etc.; permitting incorporated cities and towns, and counties to issue improvement bonds to provide funds where necessary to comply with such orders and within constitutional limits of indebtedness and taxation; providing that this Act is cumulative of certain other laws; providing that the terms of this Act are separable; providing penalties and other remedies for the enforcement of such orders; and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senators Hertzberg, McNealus and Johnston:

S. B. No. 264, A bill to be entitled "An Act providing a salary of Six Thousand (\$6,000.00) Dollars for the County Judge in counties having a population of more than one hundred thousand inhabitants, and in which there is at least one city with a population of more than seventy-five thousand, out of the fees, commissions and perquisites earned by such office in the manner and as now provided by law, and repealing all laws and parts of laws in conflict herewith and declaring an emergency."

Read first time and referred to Committee on County and County Boundaries.

By Senator Hertzberg:

S. B. No. 265, A bill to be entitled "An Act to provide that the Commissioners' Courts shall provide suitable places in the Court House for the holding of court by Justices of the Peace in the precinct where the Court House is situated, where there are more than seventy-five thousand inhabitants in such Justice Precinct, and declaring an emergency."

Read first time and referred to Committee on County and County Boundaries.

By Senator Caldwell:

S. B. No. 266, A bill to be entitled "An Act to establish and fix the Salary of the Superintendent of Public Buildings and Grounds of the State of Texas, providing for an appropriation to pay said salary, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Caldwell:

S. B. No. 267, A bill to be entitled "An Act to amend Chapter 21, Acts of the First Called Session of the 35th Legislature, 1917, being 'An Act amending Article 6086, Revised Civil Statutes, Chapter 1, Title 100, providing for the appointment by the Governor of two Members of the Board of Pardon Advisors; fixing their salary; and declaring an emergency.'"

Read first time and referred to Committee on Finance.

By Senator Suiter:

S. B. No. 268, A bill to be entitled "An Act to amend Articles 6679, 6680, 6681, 6682 and 6683, Revised Civil Statutes of Texas of 1911, regulating the furnishing of cars to shippers of freight by railway, the loading of such cars, and the transportation, delivery and unloading of freight in carload lots and fixing penalties for violations thereof, so as to further prescribe the duties of shippers of such freight and such railway companies, and further to regulate the manner in which such shippers may demand empty cars to be furnished for such freight; requiring railway companies to furnish blanks for application for such cars; providing penalties by the failure upon the part of such railway companies to furnish cars as required herein; requiring the shipper to make a deposit with the railway company at the time of making application for cars; prescribing the time which a shipper shall have for loading of such cars, after same shall have been furnished by the railway companies; providing penalties to be paid by shipper for failure to load such cars, after same have been furnished by the railway company; requiring such railway companies, after the receipt of ordinary or non-perishable products or property, in carload lots, to forward the same at an average rate of not

less than forty miles a day, and to forward livestock and other perishable freight at not less than two hundred and sixty miles per day, except in cases of wrecks, etc.; providing penalties for failure to so transport such freight; requiring such railway companies to notify consignees on arrival of such cars at destination, etc.; prescribing the time within which such cars must be unloaded after notice, and penalties for delay in unloading after such prescribed time; prescribing the duty and time within which a railway company must deliver to its connecting carriers at junction points, freight in carload lots, and requiring such connecting lines, after such receipt, to forward such freight within the time prescribed in this Act, requiring such connecting lines to furnish empty cars in return for loaded cars received by it hereunder; prescribing regulations with respect to delivery of such carload freight and providing penalties for failure or refusal of connecting lines to receive, transport and deliver such freight in accordance with the provisions of this Act; prescribing the terms upon which a shipper, suing for penalties under this Act, may recover, provided by this Act, and providing for certain defenses upon the part of the railway companies, etc.; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senators Gibson and Alderdice:

S. B. No. 269, A bill to be entitled "An Act to amend House Bill No. 402 of the Acts of the Regular Session of the 34th Legislature of the State of Texas, entitled 'An Act to compel attendance upon public schools of Texas by children between the ages of 8 and 14 years, providing that the term said children shall be required to attend for the scholastic year beginning September 1st, 1916, shall be 60 days, and the term for this scholastic year, beginning Sept. 1st, 1917 shall be 80 days, and the term beginning Sept. 1st, 1918 and each subsequent year thereafter shall be 100 days, etc., and declaring an emergency.'"

Read first time and referred to Committee on Educational Affairs.

By Senator Cousins.

S. B. No. 270, A bill to be entitled "An Act to create a more efficient road system for the county of Sabine and

State of Texas, and declaring an emergency.

Read first time and referred to Committee on Roads, Bridges and Ferries.

#### House Concurrent Resolution No. 26.

By unanimous consent and on request of Senator McNealus, the Chair laid before the Senate on second reading H. C. R. No. 26 as follows:

Whereas, Dr. Chas. A. R. Campbell, of San Antonio, has rendered the State of Texas and humanity valuable service in his original and conclusive experiments during the past seventeen years for the eradication of malaria by the cultivation of bats, the natural enemy of mosquitoes; and,

Whereas, the world's greatest Sanitarian, Gen. W. C. Gorgas, the Board of Health of the State of Texas, the San Antonio Medical Society, and other sections have given this natural hygienic measure their unqualified endorsement; and,

Whereas, the Italian Government has given special recognition to his work and distinguished service, as well as other foreign countries; and,

Whereas, the colossal economic loss caused by malaria is sufficient to warrant the State and Nation to give this natural hygienic measure full encouragement; Therefore be it

Resolved, by the House of Representatives, the Senate concurring, that the Legislature of the State of Texas, endorse the work of Dr. Chas. A. R. Campbell, in his original and thoroughly scientific work, and respectfully suggest and commend his name as worthy of the greatest reward for the service of humanity, a Nobel Prize.

NORDHAUS et al.

The resolution was read and adopted.

#### House Joint Resolution No. 19.

The Chair laid before the Senate on second reading:

H. J. R. No. 19, To amend Section 50, Article 3, of the Constitution of the State of Texas, to provide that the Legislature shall have power to give or lend or authorize the giving or lending of the credit of the State for the purpose of assisting citizens who are heads of families to acquire or improve their homes; authorizing the State to acquire, improve, sell or lease

real estate or assist such citizens to acquire or improve their homes upon terms and conditions prescribed by the Legislature; authorizing the Legislature to create such agencies and corporations as may be necessary to carry out the purposes of this section; providing that obligations created under this section shall never be taxed; and providing that the Legislature shall have authority to provide a method of securing any deferred payments for lands purchased hereunder, and that such obligations shall be secured in addition to the usual liens by an annual assessment collected as a tax against the land; and providing that the Legislature shall have no power to relieve any person from any obligation entered into under this provision or any statute enacted thereunder.

Senator Westbrook offered the following amendment which was read and adopted:

(1) Amend Engrossed Rider by Osborne to H. J. R. No. 19, by striking out the word "sold," in line 3, and insert in lieu thereof the words "Acquired by the State."

Senator Dayton offered the following amendment which was read and adopted:

(2) Amend S. J. R. No. 19 by striking out words "or lease" in Section 50, page 1, line 39, printed bill, and insert in lieu thereof "or lease lands owned by the State."

The resolution was laid before the Senate, read second time and, on motion of Senator Westbrook, was passed to its third reading.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, Feb. 12, 1919.  
Lieutenant Governor W. A. Johnson,  
President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted

H. C. R. No. 28, relating to invitations to convention of National Good Roads Association at Mineral Wells, Texas.

Refused to pass

S. B. No. 84, A bill to be entitled "An Act to amend Article 2058 of the Revised Civil Statutes of Texas of 1911, providing that during the progress of a cause, when either party is dissatisfied with any ruling, opinion or action of the court, he

may except thereto, at the time the same is made or announced, and providing for bills of exception; and providing that, if the trial judge qualifies a bill prepared by any party to the cause, and such party does not agree to such qualifications as being correct, he may request the court stenographer to transcribe from his notes the facts showing the transaction and the action of the court thereon, and that same when filed with the clerk of the trial court shall constitute a bill of exception, and no qualification thereof shall be considered on appeal; and to repeal Articles 2056, 2066 and 2067, Revised Civil Statutes of 1911, and all other laws in conflict with this Act."

Copy of bill herewith transmitted.  
Respectfully submitted,

T. B. REESE,  
Chief Clerk, House of Representatives.

#### Resolution Read and Referred.

The Chair, Lieutenant Governor Johnson, referred, after its caption had been read, the following:

H. C. R. No. 28, referred to the Committee on Agricultural Affairs.

#### House Bill No. 98.

The Chair laid before the Senate on second reading

H. B. No. 98, A bill to be entitled "An Act to fix the compensation of County and District Court jurors in both civil and criminal cases, jury commissioners of the District and County Court, and bailiffs of the grand jury."

The bill was laid before the Senate, read second time and, on motion of Senator Buchanan of Scurry, was passed to its third reading.

#### House Bill No. 44.

The Chair laid before the Senate on second reading:

H. B. No. 44, A bill to be entitled "An Act to amend Article 5597 of Chapter 1, Title 84 of the Revised Civil Statutes of Texas of 1911, so as to make privileged, without proof of actual malice, fair, true and impartial accounts of all executive and legislative proceedings, including all reports and proceedings in or before legislative committees, boards of managers of public educational and

eleemosynary institutions, city councils and other governing bodies of cities or towns, commissioners courts and boards of trustees of public schools."

The committee report carrying an amendment was adopted.

The bill was laid before the Senate, read second time and, on motion of Senator Johnston, was passed to its third reading by the following vote:

Yeas—24.

Alderdice.	Floyd.
Bailey.	Gibson.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Clark.	McNealus.
Cousins.	Page.
Dayton.	Parr.
Dean.	Smith.
Dorough.	Suiter.
Dudley.	Westbrook.
Faust.	Woods.

Nays—1.

Strickland.

Absent.

Carlock.  
Williford.

Witt.

Absent—Excused.

Bell.

Hall.

#### House Bill No. 3.

The Chair laid before the Senate on second reading:

H. B. No. 3, A bill to be entitled "An Act defining and prescribing what shall constitute actionable fraud in this State; and prescribing a rule for damages to be recovered against persons committing fraud as defined in this act, and declaring an emergency."

Senator Caldwell offered the following amendment:

(1) Amend House Bill No. 3, page 1, line 21 of printed bill by inserting between the words "promise" and "to do" the words "in writing."

The amendment was read and adopted.

Senator Bailey offered the following amendment:

(2) Amend the bill by striking out in lines 24, 25, 26, 27, 28 and 29, page 1, of the printed bill and after the word "construct" and make the comma a period.

Senator Clark moved to table the amendment, which motion was lost.

Action then recurred upon the amendment and the same was adopted.

Senator Hopkins offered the following amendment which was read and adopted:

(3) Amend House Bill No. 3, page 1, line 20, by adding after the words "real estate" the following: "or in stock in corporation or joint stock companies."

Senator Woods offered the following amendment which was read and adopted:

(4) Amend House Bill No. 3 by inserting between the word "existing" and the word "fact" line 21, page 1, the word "material" and also insert the words "a material" between the words "as" and "inducement" line 22, page 1, the word "material."

Senator Dean offered the following amendment which was read and adopted:

(5) Amend the bill by adding section 3a as follows:

"Nothing in this Act shall make any person responsible for the misrepresentations or conduct of another, unless it be shown that such misrepresentations or conduct were authorized by the party sought to be made liable therefor."

The bill was laid before the Senate second time and, on motion of Senator Parr, was passed to its third reading.

#### House Bill No. 306.

The Chair laid before the Senate on second reading:

H. B. No. 306, A bill to be entitled "An Act to amend Chapter 103, of the General Laws of the State of Texas, Thirty-third Legislature, 1913, being 'An Act fixing the number of members constituting the governing boards of the University of Texas, the Agricultural and Mechanical College of Texas, the Normal Colleges, the College of Industrial Arts for Women, the Blind Institute, the Deaf and Dumb Institute, the Deaf, Dumb and Blind Institute for Colored Youths, the Confederate Home, the Confederate Woman's Home, the State Asylums for the Insane, the State Epileptic Colony, the State

Orphans' Home; fixing the term of office of members of such boards, and declaring an emergency.'"

Senator Hopkins offered the following amendment to the committee report which was read and adopted:

Amend committee report on House Bill No. 306 by adding in line 6, page 4, before the word "the" the following, "The Board of Regents of."

Senator Dean then moved to amend the Committee report by striking out the Committee amendments.

The motion prevailed.

Senator Dean then offered the following amendment:

(1) Amend the bill by striking out Section 1 thereof, and inserting in lieu thereof the following:

"Section 1. The Board of Regents of the University of Texas shall be composed of nine persons, who shall be qualified voters; the Board of Directors of the Agricultural and Mechanical College of Texas shall be composed of nine persons, who shall be qualified voters; the Board of Regents of the Normal Colleges shall be composed of six persons, who shall be qualified voters; the Board of Regents of the College of Industrial Arts for Women shall be composed of six persons, four of whom may be women; the Board of Managers of the Blind Institute, the Deaf and Dumb Institute, the Deaf, Dumb, and Blind Institute for colored youths, the Confederate home, and the Confederate Women's home shall each be composed of six persons, who shall be qualified voters; the Board of Managers of each of the Insane Asylums, the Epileptic Colony, the Orphans Home, and the State Institutions for the training of juveniles shall each be composed of nine members, five of whom, in each case, shall reside within five miles of the Institution to whose Board of Managers they respectively belong, and all of whom shall be qualified voters, except that at least three of the members of the Board of Managers of the said State Institution for the Training of Juveniles shall be women and need not be qualified voters."

Senator Hopkins offered the following amendment to the amendment which was read and adopted:

Amend the amendment to House Bill No 306 by striking out the words "Board of Regents of the Normal

Colleges" and insert in lieu thereof the following: "State Normal School Board of Regents".

The amendment as amended was then adopted.

The bill was laid before the Senate, read second time, and Senator Dean moved its passage to a third reading.

As a substitute Senator Bailey moved that the bill be postponed indefinitely which motion prevailed by the following vote:

Yeas—18.

Bailey.	Gibson.
Buchanan of Scurry.	Hertzberg.
Carlock.	Hopkins.
Clark.	Page.
Cousins.	Parr.
Dorough.	Smith.
Dudley.	Strickland.
Faust.	Suiter.
Floyd.	Witt.

Nays—7.

Buchanan of Bell.	McNealus.
Caldwell.	Westbrook.
Dean.	Williford.
Johnston.	

Present—Not Voting.

Woods.

Absent.

Alderdice.	Dayton.
Bell.	

Absent—Excused.

Hall.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, February 12, 1919.  
Lieutenant Governor W. A. Johnson,  
President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 15, A bill to be entitled "An Act to amend Article 1121, Chapter 2, Title 25, Revised Civil Statutes of the State of Texas, relating to private corporations, by adding thereto Section 77, providing for the creation of private corporations for the establishment and maintenance of garages, with authority to purchase, sell, store, house, rent, repair and otherwise deal in automobiles and other motor vehicles and their accessories, gasoline and oils necessary in the operation of motor vehicles, with the right

to operate motor vehicles of all kinds (except airplanes) for the carriage of passengers and freight, either or both, and to make reasonable charges therefor."

With amendments.

S. B. No. 47, A bill to be entitled "An Act to amend Article 862, of the Code of Criminal Procedure of the State of Texas, by providing that in case of two or more convictions of the same defendant, the court may either provide in rendering judgment and sentence that the punishment provided shall be either concurrent or cumulative."

S. B. No. 68, A bill to be entitled "An Act to make a supplemental appropriation of three thousand and five hundred (\$3500.00) dollars for the support and maintenance of the Dairy and Food Department for the fiscal year ending September 1, 1919, and declaring emergency."

With amendments.

S. B. No. 106, A bill to be entitled "An Act to make it unlawful for any person, firm or corporation to give dancing exhibitions or performances in a tent or other enclosure when such dancing exhibition or performance constitutes all or a major portion of any exhibition or performance; and to make it unlawful for male persons and female persons to dance as partners in a tent or other temporary enclosure; providing penalties for the violation thereof and declaring an emergency."

With amendments.

Respectfully submitted,  
T. B. REESE,

Chief Clerk, House of Representatives.

#### Senate Bill No. 95.

The Chair laid before the Senate on third reading:

S. B. No. 95, A bill to be entitled "An Act to punish the making or use of materially false statements in writing respecting financial condition, for the purpose of obtaining money, property or credit, when such money, property of credit amount to more than fifty dollars; whether such statements are made directly or indirectly; making such offense a felony, and prescribing the punishment therefor."

The bill was laid before the Senate, read third time and, on motion of Senator McNealus, was passed finally.

**Senate Bill No. 260—Re-referred.**

By unanimous consent and on request of Senator Alderdice, Senate Bill No. 260 was withdrawn from the Committee on Educational Affairs and was referred to the Committee on Public Lands and Land Office.

**Simple Resolution No. 58.**

(By unanimous consent.)

Senator Dayton made the following written motion:

I move that witness fees for 100 witnesses in Glasscock-Parr contest be advanced to officer serving processes for witnesses for contestee, and that a sum not to exceed \$1000 be allowed said officer to buy mileage books for transportation of said witnesses. All advance fees and mileage to be deducted from witness' fees. To come out of contingent expense fund.

DAYTON.

The motion was read and adopted.

**Simple Resolution No. 59.**

Be it resolved, That the Adjutant General be requested to furnish the Senate with a complete list of all so-called Loyalty Rangers appointed under his administration.

CLARK.

The resolution was read and adopted.

**Senate Concurrent Resolution No. 20.**

Whereas, The Hon. James A. Flaherty, a distinguished citizen of this Nation, a resident of the State of Pennsylvania, and at the present time the supreme officer of one of the seven great organizations that has had charge of the war work activities in the army and navy of the United States in this country and in Europe, to-wit, the Knights of Columbus, will be in the city of Austin Thursday, February 13th, on an official visit; and

Whereas, The State of Texas feels a deep interest in the wonderful patriotic services rendered by these organizations; therefore, be it

Resolved by the Senate, the House concurring, That Mr. Flaherty be invited to address the members of both

houses in joint session on Thursday, February 13th, 1919, at 11:30 a. m.

CALDWELL.  
HERTZBERG.  
PAGE.  
JOHNSTON.  
MCNEALUS.  
BAILEY.

The resolution was read and adopted.

**Recess.**

At 12:50 o'clock p. m., the Senate, on motion of Senator Clark, recessed until 2:30 o'clock today.

**After Recess.**

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Johnson.

**House Bill No. 29.**

The Chair laid before the Senate on second reading:

H. B. No. 29, A bill to be entitled "An Act to repeal the item of 'Salary for two nurses at \$600 each,' contained in the appropriation for the Confederate Woman's Home for the years 1918 and 1919, making an appropriation for the salary of two nurses for said Home for the months of January, 1919, to August 1919, both inclusive, and declaring an emergency."

The bill was laid before the Senate, read second time and, on motion of Senator Caldwell, was passed to its third reading.

**House Bill No. 36.**

The Chair laid before the Senate on second reading:

H. B. No. 36, A bill to be entitled "An Act to repeal Chapter 197 of the Acts of the General Laws of the Regular Session of the Thirty-fifth Legislature, which chapter is 'An Act to provide for the establishment, maintenance and government, of a State Normal College, to be located at Alpine in Brewster county, Texas, to be known as, the 'Sul Ross Normal College,' and declaring an emergency; providing that all acts performed, contracts or agreements that may have been entered into under the provi-

sions of said Chapter 197, by the State of Texas or by any of its officers, agents or employees, are each and all hereby annulled and all appropriations cancelled and declaring an emergency."

Senator Dudley moved the adoption of the majority (adverse) committee report.

As a substitute Senator Suiter moved to lay the bill on the table subject to call and this motion was lost by the following vote:

Yeas—3.

Alderdice. Suiter.  
Dean.

Nays—18.

Bailey. Floyd.  
Buchanan of Bell. Hertzberg.  
Buchanan of Scurry. Hopkins.  
Caldwell. Johnston.  
Carlock. McNealus.  
Dayton. Parr.  
Derough. Smith.  
Dudley. Strickland.  
Faust. Woods.

Absent.

Bell. Page.  
Clark. Westbrook.  
Cousins. Williford.  
Gibson. Witt.  
Hall.

Senator Alderice then moved as a substitute the adoption of the minority (favorable) committee report.

Senator Clark moved the previous question, which being duly seconded, was ordered.

Action recurred upon the substitute motion for the adoption of the minority (favorable) committee report, and this motion was lost by the following vote:

Yeas—6.

Alderdice. Faust.  
Buchanan of Bell. Suiter.  
Buchanan of Scurry. Williford.

Nays—16.

Bailey. Hertzberg.  
Caldwell. Hopkins.  
Clark. Johnston.  
Cousins. McNealus.  
Dayton. Page.  
Derough. Parr.  
Dudley. Smith.  
Floyd. Strickland.

Absent.

Dean. Witt.  
Westbrook.

Absent—Excused.

Hall.

Pairs Recorded.

Senator Carlock (present), who would vote nay; Senator Dean (absent), who would vote yea.

Senator Woods (present), who would vote aye; Senator Bell (absent), who would vote nay.

The majority (adverse) committee report was then adopted.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, Feb. 12, 1919.

Lieutenant Governor W. A. Johnson,  
President of the Senate.

Sir: I am directed by the House to inform the Senate that the House

Grants the request of the Senate for the return of S. B. No. 37, and said bill is returned herewith.

Grants the request of the Senate for the appointment of a conference report on S. B. No. 99, and the following have been appointed on the part of the House: Brown of Tarrant, Williams of McLennan, Bledsoe, Miller of Dallas, Cox.

Respectfully submitted,

T. B. REESE,  
Chief Clerk, House of Representatives.

#### Resolution Signed.

The Chair, Lieutenant Governor Johnson, gave notice of signing and did sign in the presence of the Senate, after its caption had been read, the following:

H. C. R. No. 26, endorsing the work of Dr. Chas. A. R. Campbell in scientific matters and suggesting his name for a Nobel prize.

#### Senate Bill No. 68—House Amendment Concurred In.

Senator Caldwell called up for consideration of House amendment to S. B. No. 68, A bill to be entitled "An Act to make a supplemental ap-

appropriation of three thousand and five hundred (\$3500.00) dollars for the support and maintenance of the Dairy and Food Department for the fiscal year ending September 1, 1919, and declaring an emergency."

The Chair laid before the Senate the following House amendment:

Amend S. B. No. 68 by striking out the words "et cetera" wherever they occur in the bill.

The amendment was read and concurred in by the following vote:

Yeas—22.

Alderdice.	Floyd.
Bailey.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Carlock.	McNealus.
Clark.	Parr.
Cousins.	Smith.
Dayton.	Strickland.
Dorough.	Suiter.
Dudley.	Westbrook.
Faust.	Witt.

Present—Not Voting.

Buchanan of Bell.

Absent.

Dean.	Page.
Gibson.	Williford.

Absent—Excused.

Bell.	Woods.
Hall.	

#### House Bill No. 138.

The Chair laid before the Senate on second reading:

H. B. No. 138, A bill to be entitled "An Act to increase the civil jurisdiction of the County Court of Mitchell County, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was laid before the Senate, read second time and, on motion of Senator Buchanan of Scurry, was passed to its third reading.

#### House Bill No. 315.

The Chair laid before the Senate on second reading:

H. B. No. 315, A bill to be entitled "An Act to incorporate Merit Independent School District in Hunt and

Collin Counties and to provide for the election of trustees, and to provide for taxation, issuing bonds, providing for the exercise of all powers and privileges incident and belonging to independent school districts, providing for the issuance of bonds for all purposes authorized by law and for maintaining a system of public free schools therein, repealing all laws and parts of laws inconsistent herewith, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was laid before the Senate, read second time and, on motion of Senator Westbrook, was passed to its third reading.

#### House Bill No. 40.

The Chair laid before the Senate on second reading:

H. B. No. 40, A bill to be entitled "An Act to amend Section 1, S. B. No. 19, Chapter 2, pages 217 and 218 of the published laws enacted by the Thirty-fifth Legislature at its Fourth Called Session, creating the Bellville Independent School District, revising the metes and bounds of said district, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was laid before the Senate, read second time and, on motion of Senator Clark, was passed to its third reading.

#### House Bill No. 332.

The Chair laid before the Senate on second reading:

H. B. No. 332, A bill to be entitled "An Act creating and incorporating Humble Independent School District in Harris County, Texas, out of the territory now composing Common School District No. 50 of said county, providing that the title of the school property vested in said Common School District No. 50 shall vest in said Humble Independent School District, and that said independent school district assume the debts of said Common School District No. 50; providing for a board of trustees of said Humble Independent School District, providing the time and manner of their election, defining their pow-

ers and duties, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was laid before the Senate, read second time and, on motion of Senator Clark, was passed to its third reading.

#### House Bill No. 216.

The Chair laid before the Senate on second reading:

H. B. No. 216, A bill to be entitled "An Act to amend Section 1 of Chapter 67, Special Laws passed at the Regular Session of the Thirty-fourth Legislature, approved March 22, 1915, creating and defining the boundaries of the Burnet Independent School District in Burnet County, Texas, and to add to said chapter Sections 2a and 2b, validating an order passed by the Commissioners' Court of Burnet County, Texas, changing the boundaries of the Burnet Independent School District so as to embrace the same territory described in this Act, and validating a bond election heretofore held in said district, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was laid before the Senate, read second time and, on motion of Senator Caldwell, was passed to its third reading.

#### House Bill No. 320.

The Chair laid before the Senate on second reading:

H. B. No. 320, A bill to be entitled "An Act creating the Saratoga Independent School District in Hardin county, and declaring an emergency."

The Committee report that the bill be not printed was adopted.

The bill was laid before the Senate, read second time and, on motion of Senator Cousins, was passed to its third reading.

#### House Bill No. 337.

The Chair laid before the Senate on second reading:

H. B. No. 337, A bill to be entitled "An Act creating the Jasper Independent School District known as

Common School District No. 6, in Jasper County, Texas, and defining its boundaries; and to provide for the creating of trustees thereof; and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers, and providing authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same, and to levy a tax therefor, and to pay current expenses for the maintenance and support of said schools, providing for a board of equalization and prescribing the duty and authority of the board of trustees, declaring valid a maintenance tax heretofore voted, and repealing all laws in conflict herewith in so far as they conflict with this Act, and declaring an emergency."

The Committee report that the bill be not printed was adopted.

The bill was laid before the Senate, read second time and, on motion of Senator Cousins, was passed to its third reading.

#### House Bill No. 277.

The Chair laid before the Senate on second reading:

H. B. No. 277, A bill to be entitled "An Act creating and incorporating Harrisburg Independent School District in Harris county, Texas, out of the territory now composing Common School District No. 20, of said county, providing that the title of the school property vested in said Common School District No. 20 shall vest in said Harrisburg Independent School District, and that said independent school district assume the debts of said Common School District No. 20; providing for a board of trustees of said Harrisburg Independent School District, providing the time and manner of their election, defining their powers and duties, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was laid before the Senate, read second time and, on motion of Senator Johnston, was passed to its third reading.

#### House Bill No. 28.

The Chair laid before the Senate on second reading:

H. B. No. 28, A bill to be entitled "An Act ratifying, confirming and validating the incorporation of Manor Independent School District, in Travis county, Texas, and the official acts of its board of trustees; establishing the Clayton Vocational Institute in said school district; creating a trust fund commission and a trust fund treasurer for said institute, and defining their powers and duties; making said act cumulative of the general laws, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was laid before the Senate, read second time and, on motion of Senator Caldwell, was passed to its third reading.

#### Senate Concurrent Resolution No. 11.

By unanimous consent and on request of Senator McNealus the Chair laid before the Senate on second reading:

S. C. R. No. 11, Providing for a convention to frame a constitution for the State of Texas.

Senator Carlock offered the following amendment which was read and adopted:

(1) Amend Senate Concurrent Resolution No. 11, on page 1, line 16 by striking out the words and figures "January, 1920," and insert in lieu thereof "June 1921."

Senator Woods offered the following amendment which was read and adopted:

(2) Amend Senate Concurrent Resolution No. 11, on page 1, line 26 by striking out the figures "1919" and insert in lieu thereof the figures "1920" in the printed bill.

The resolution was laid before the Senate, read third time and, on motion of Senator McNealus, was passed finally.

#### Senate Joint Resolution No. 13.

The Chair laid before the Senate on third reading:

S. J. R. No. 13, A resolution proposing to amend Section 5 of Article IV of the Constitution of the State of Texas, as follows: Strike out the words "four thousand" in the third line in Section 5 and insert in lieu thereof the words "ten thousand,"

and adding after the word furniture the words "and this clause shall be self-enacting," and making an appropriation to pay the necessary expenses hereof.

The resolution was laid before the Senate, read third time and, on motion of Senator Hertzberg, was passed by the following vote:

Yeas—21.

Alderdice.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Carlock.	McNealus.
Clark.	Parr.
Cousins.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Woods.
Faust.	

Absent. ~

Bailey.	Hall.
Bell.	Page.
Buchanan of Bell.	Williford.
Floyd.	Witt.
Gibson.	

#### Senate Bill No. 15—House Amendment Concurred In.

Senator Dorough called up for consideration of the House Amendments to:

S. B. No. 15. A bill to be entitled "An Act to amend Article 1121, Chapter 2, Title 25, Revised Civil Statutes of the State of Texas, relating to private corporations, by adding thereto Section 77, providing for the creation of private corporation for the establishment and maintenance of garages, with authority to purchase, sell, store, house, rent, repair and otherwise deal in automobiles and other motor vehicles and their accessories, gasoline and oils necessary in the operation of motor vehicles, with the right to operate motor vehicles of all kinds (except aeroplanes) for the carriage of passengers and freight, either or both, and to make reasonable charges therefor."

The following House amendment was read and concurred in by the Senate:

Amend S. B. No. 15, Section 77, page 1, line 36 by adding after the word "accessories," "provided that the right to operate shall not conflict with the ordinances of any incorpor-

ated city or town in which they shall operate."

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, Feb. 12, 1919.

Lieutenant Governor W. A. Johnson,  
President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 6, A bill to be entitled "An Act granting to the city of Corpus Christi, Texas, all rights title and interest of the State of Texas to certain land lying and being situated under the waters of Corpus Christi Bay and granting to said city of Corpus Christi the right, power and authority to locate, construct, own and maintain certain seawalls or breakwaters on said lands and to fill in the space between the main land and said seawalls or breakwaters with sand, dredge spoils or other materials and granting to the city of Corpus Christi the right to take from Corpus Christi Bay such sand, dredge spoils or other material as may be necessary or desirable for filling in said space; and authorizing said city of Corpus Christi to remove and abate any encroachment or structures existing on said property east of a line fixing the limit of riparian rights and to bring such suit or suits as may be necessary to carry out the provisions of this act; and granting to said city of Corpus Christi the right to fix a shipping district and to authorize, purchase and construct, own and maintain piers and wharves, and to grant franchises therefor into the waters of Corpus Christi Bay beyond said seawalls or breakwaters upon vote of the people of the said city; also fixing the rights of the riparian owners, and granting the right of eminent domain, and reserving all mineral rights to the State, requiring \$2.00 per acre to be paid for said land and the disposing of said funds, fixing the time to begin construction, and declaring an emergency."

With engrossed riders.

Respectfully submitted,

T. B. REESE,

Chief Clerk, House of Representatives.

#### Bill Read and Referred.

The Chair, Lieutenant Governor

Johnson had referred after its caption had been read, the following House bill:

H. B. No. 6, referred to the Committee on Public Lands and Land Office.

#### House Joint Resolution No. 19— Vote Rescinded.

By unanimous consent Senator Dayton moved that the vote by which H. J. R. No. 19 was passed to its third reading be rescinded.

The motion prevailed by unanimous vote.

The vote by which the amendment was adopted was rescinded.

Senator Dayton withdrew the amendment. (See morning proceedings page 314 for caption and amendment.)

The resolution was laid before the Senate, read second time and, on motion of Senator Dayton, was passed to its third reading.

#### Bills Signed.

The Chair, Lieutenant Governor Johnson, gave notice of signing and did sign in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 15, A bill to be entitled "An Act to amend Article 1121, Chapter 2, Title 25, Revised Civil Statutes relating to private corporations of the State of Texas, by adding thereto Section 77, providing for the creation of private corporation for the establishment and maintenance of garages, with authority to purchase, sell, store, house, rent, repair and otherwise deal in automobiles and other motor vehicles and their accessories, gasoline and oils necessary in the operation of motor vehicles of all kinds (except aeroplanes) for the carriage of passengers and freight, either or both, and to make reasonable charges therefor."

S. B. No. 68, A bill to be entitled "An Act to make a supplemental appropriation of \$3,500 for the support and maintenance of the Dairy and Food Department for the fiscal year ending September 1, 1919, and declaring an emergency."

S. B. No. 47, A bill to be entitled "An Act to amend Article 862 of the Code of Criminal Procedure of the State of Texas, by providing that in cases of two or more convictions of

the same defendant, the court may provide in rendering judgment or sentence that the punishments provided shall be either concurrent or cumulative."

#### Senate Bill No. 143.

The Chair laid before the Senate on second reading:

S. B. No. 143, A bill to be entitled "An Act to amend Section 15 of Article 7355 of the Revised Civil Statutes of the State of Texas of 1911, authorizing the levying and collection of an occupation tax on every menagerie, wax works, side show or exhibition, whether connected with a circus or not, where a separate fee for admission is demanded or received, \$10.00 for every performance or exhibition in which fees for admission are received: repealing Chapter 135 of the General Laws of the State of Texas passed by the Thirty-fourth Legislature at its regular session and declaring an emergency."

On motion of Senator Floyd the bill was laid on the table subject to call.

#### Senate Bill No. 120.

The Chair laid before the Senate on second reading:

S. B. No. 120, A bill to be entitled "An Act to prevent the control of primary elections by the use of money, and to regulate and limit the expenditure of money to promote or defeat the candidacy of persons for nomination for office in primary elections in this State, and providing penalties for violation of this Act, and declaring an emergency."

Senator Woods offered the following amendments which were read and adopted severally.

(1) Amend Senate Bill No. 120, by striking out the following figures in line 29, page 3, "\$400.00" and inserting the figures "\$600.00", and by striking out the figures "\$200.00," in line 30, page 3, and inserting in lieu thereof, the figures, "\$300.00".

(2) Amend Senate Bill No. 120, by striking out all of lines 8, 9, and 10, page 6, after the word "of", line 8, and insert the following:

"An offense, and upon conviction

thereof, should be punished by a fine not to exceed \$1000.00, or by confinement in the county jail for not more than one year, or by both such fine and imprisonment, or by confinement in the penitentiary for not less than one year, nor more than five years."

(3) Amend Senate Bill No. 120, by striking out all of lines 20, 21, and 22, page 6, after the word "of", line 20, and insert in lieu thereof, the following:

"An offense, and upon conviction thereof, should be punished by a fine not to exceed \$1000.00, or by confinement in the county jail for not more than one year, or by both such fine and imprisonment, or by confinement in the penitentiary for not less than one year, nor more than five years."

(4) Amend Senate Bill No. 120, by striking out all of lines 30, 31, and 32, page 4, after the word "of," and insert in lieu thereof, the following:

"An offense, and upon conviction thereof, should be punished by a fine not to exceed \$1000.00, or by confinement in the county jail for not more than one year, or by both such fine and imprisonment, or by confinement in the penitentiary for not less than one year, nor more than five years."

(5) Amend Senate Bill No. 120, by striking out all of line 29, and line 30, page 6, and insert in lieu thereof:

"Punished by a fine not to exceed \$1000.00, or by confinement in the county jail not to exceed one year, or by both such fine and imprisonment."

(6) Amend Senate Bill No. 120, by striking out all of lines 4, 5 and 6, page 7, after the word "a," line 4, and insert in lieu thereof, the following:

"An offense, and upon conviction thereof, should be punished by a fine not to exceed \$1000.00, or by confinement in the county jail for not more than one year, or by both such fine and imprisonment, or by confinement in the penitentiary for not less than one year, nor more than five years."

(7) Amend Senate Bill No. 120, by striking out all of lines 4, 5 and 6, page 7, after the word "a", line

4, and insert in lieu thereof, the following:

"An offense, and upon conviction thereof, should be punished by a fine not to exceed \$1000.00, or by confinement in the county jail for not more than one year, or by both such fine and imprisonment, or by confinement in the penitentiary for not less than one year, nor more than five years."

Senator Westbrook offered the following amendment which was read and adopted:

(8) Amend the bill on page 9 by striking out Section 10, of the printed bill.

Senator Dudley offered the following amendment which was read and adopted:

(9) Amend Senate Bill No. 120, page 3, line 29, by substituting for \$400.00 the sum of \$1,000.00.

Senator Dorrough offered the following amendment which was read and adopted:

(10) Amend the bill by striking out in line 27, page 3, the figures "2,000" and insert in lieu thereof the following: "2,500."

Senator Dean offered the following amendment which was read and adopted:

(11) Amend the printed bill by re-numbering Section 11 so that it be numbered Section 10.

The bill was read second time and passed to engrossment.

On motion of Senator Westbrook, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill 120 put on its third reading and final passage by the following vote:

Yeas—24.

Alderdice.	Floyd.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Carlock.	McNealus.
Clark.	Parr.
Cousins.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Woods.

Absent.

Bailey.	Gibson.
Bell.	Page.

Witt.

Absent—Excused.

Hall.

The bill was laid before the Senate, read third time and, on motion of Senator Westbrook, was passed finally.

#### Senate Bill No. 58.

The Chair laid before the Senate on second reading:

S. B. No. 58, A bill to be entitled "An Act making provision for the erection by the State of Texas of a monument on the Capitol grounds at Austin, Texas, in honor of those in the military service of the United States who gave their lives in the late war between the United States and Germany and Austria-Hungary; constituting the Governor, Attorney General and Superintendent of Public Buildings and Grounds a board to carry out the purposes of this Act, making an appropriation of twenty-five thousand (\$25,000.00) dollars to carry out the purpose of this Act, and declaring an emergency."

Senator Hertzberg offered the following amendment which was read and adopted:

Amend Senate Bill No. 58 by striking out the words \$25,000.00 line 18, Section 2, and insert in lieu thereof the words \$50,000.

The bill was read second time and passed to engrossment.

On motion of Senator Floyd, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 58 put on its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Floyd.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Carlock.	Page.
Clark.	Parr.
Cousins.	Smith.
Dayton.	Suiter.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Woods.
Faust.	

Absent.

Bailey.	Gibson.
Bell.	McNealus.

Strickland. Witt.  
Absent—Excused.

Hall.

The bill was laid before the Senate, read third time and, on motion of Senator Floyd, was passed finally.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, Feb. 12, 1919.  
Lieutenant Governor W. A. Johnson,  
President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted Senate Concurrent Resolution No. 20, inviting the Hon. James Flaherty to address the Legislature.

Respectfully submitted,  
T. B. REESE,  
Chief Clerk, House of Representatives.

#### Simple Resolution No. 60.

Whereas, in procuring the attendance of attached witnesses in the Glasscock-Parr Election Contest it will be necessary for the officer executing such attachments to incur expenses for automobile hire and other expenses in getting such witnesses to the railroad station; therefore be it

Resolved, that the Committee on Contingent Expenses of this Senate be authorized to advance to the officer executing such writs of attachment the necessary funds to secure the attendance of such attached witnesses. Such officer receiving such funds to make accurate report to said committee of the manner in which the funds received by such officer have been expended; and fully accounting for all such sum, or sums, so received.

BUCHANAN of Scurry.

The resolution was read and adopted.

#### Senate Bill No. 34.

The Chair laid before the Senate on second reading:

S. B. No. 34, A bill to be entitled "An Act to amend Articles 4621,

4622 and 4624, Title 68, Chapter 3, of the Revised Statutes of 1911, concerning the marital rights of parties, defining the separate and community property of the husband and wife, conferring upon the wife the power to make contracts, authorizing suits on such contracts, repealing Articles 4625 and 4626, Title 68, Chapter 3, Revised Statutes, and all other laws and parts of laws in conflict therewith, and declaring an emergency."

The committee report was adopted carrying the following committee amendment:

Amend the bill by adding after the period at the close of Section No. 1 the following:

"Provided that no instrument or conveyance affecting real property belonging to the husband, the wife, or the community, shall ever be valid unless the same shall be signed or acknowledged by both the husband and wife."

And by adding at the close of Section No. 3, the following:

"Provided that no instrument or conveyance affecting real property belonging to the husband, the wife, or the community, shall ever be valid or effective unless the same shall be signed or acknowledged by both the husband and wife."

The bill was read second time and passed to engrossment.

On motion of Senator Dorrough, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 34 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Floyd.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	McNealus.
Carlock.	Page.
Clark.	Smith.
Cousins.	Sulter.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Woods.
Faust.	

Absent.

Bailey.	Johnston.
Bell.	Parr.
Dayton.	Strickland.
Gibson.	Witt.

Absent—Excused.

Hall.

Senator Dean moved to rescind the vote by which the constitutional rule requiring bills to be read on three several days was suspended.

The motion prevailed by unanimous vote.

Senator Dean then moved to reconsider the vote by which the bill was ordered engrossed.

The motion prevailed by the following vote:

Yeas—19.

Alderdice.	Floyd.
Bailey.	Hertzberg.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Parr.
Clark.	Smith.
Cousins.	Strickland.
Dean.	Suiter.
Dorough.	Woods.
Dudley.	

Nays—5.

Buchanan of Bell.	Page.
Faust.	Westbrook.
Hopkins.	

Present—Not Voting.

Dayton.

Absent.

Bell.	Williford.
Gibson.	Witt.

Absent—Excused.

Hall.

Senator Dean offered the following amendment, which was read and adopted:

(1) Amend the bill by striking out the committee amendments.

Senator Carlock offered the following amendment, which was read and adopted:

(2) Amend S. B. No. 34, Section 3, at the end of line 20, the following clause: "Provided, that only the separate property of the wife shall be liable for the payment of any debts contracted by the wife, when not joined therein by her husband, and any judgment based upon such indebtedness shall specifically so declare."

Senator Hopkins offered the following amendment:

(3) Amend S. B. No. 34, page 2, by adding at the end of Article 4624 as embraced in Section 3, as amended, the following: "and provided that the wife shall never become surety

for her husband, nor for any other person, without the joindure of her husband."

Senator Page moved to table the amendment, which motion was lost by the following vote:

Yeas—10.

Dean.	Smith.
Dorough.	Suiter.
Floyd.	Westbrook.
Gibson.	Witt.
Page.	Woods.

Nays—16.

Alderdice.	Dayton.
Bailey.	Dudley.
Buchanan of Bell.	Faust.
Buchanan of Scurry.	Hertzberg.
Caldwell.	Hopkins.
Carlock.	Johnston.
Clark.	McNealus.
Cousins.	Strickland.

Absent.

Parr.	Williford.
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Absent—Excused.

Bell.	Hall.
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Action then recurred upon the pending amendment, and the same was lost by the following vote:

Yeas—12.

Alderdice.	Dudley.
Buchanan of Bell.	Faust.
Carlock.	Hertzberg.
Clark.	Hopkins.
Cousins.	Johnston.
Dayton.	Strickland.

Nays—14.

Bailey.	McNealus.
Buchanan of Scurry.	Page.
Caldwell.	Smith.
Dean.	Suiter.
Dorough.	Westbrook.
Floyd.	Witt.
Gibson.	Woods.

Absent.

Bell.	Williford.
Parr.	

Absent—Excused.

Hall.

Senator Dorough moved the previous question on the engrossment of the bill, which, being duly seconded, was not ordered by the following vote:

## Yeas—12.

Buchanan of Scurry.	Page.
Caldwell.	Smith.
Dean.	Sulter.
Dorough.	Westbrook.
Floyd.	Williford.
Gibson.	Witt.

## Nays—15.

Alderdice.	Faust.
Bailey.	Hertzberg.
Buchanan of Bell.	Hopkins.
Carlock.	Johnston.
Clark.	McNealus.
Cousins.	Strickland.
Dayton.	Woods.
Dudley.	

## Absent.

Bell.	Parr.
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## Absent—Excused.

Hall.

Senator Hopkins offered the following amendment:

(3) Amend S. B. No. 34, page 2, by adding after Article 4624 as embraced in Section 3, as amended, the following:

"Provided, that the husband shall not become the surety for the wife, nor the wife for the husband, nor shall either become surety for any other person without the consent of the other, and any contract made in violation of this provision shall be void."

Senator Dorough moved the previous question on the adoption of the amendment and on the engrossment of the bill, which, being duly seconded, was ordered.

Senator McNealus raised the point of order that the amendment is the same as one just voted down and can not be entertained.

The point of order was overruled.

Action recurred upon the amendment, and the same was lost by the following vote:

## Yeas—6.

Buchanan of Bell.	Cousins.
Buchanan of Scurry.	Hopkins.
Clark.	Strickland.

## Nays—19.

Bailey.	Dean.
Caldwell.	Dorough.
Carlock.	Dudley.
Dayton.	Faust.

Floyd.	Sulter.
Gibson.	Westbrook.
Hertzberg.	Williford.
McNealus.	Witt.
Page.	Woods.
Smith.	

## Present—Not Voting.

Johnston.

## Absent.

Alderdice.	Parr.
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Bell.

## Absent—Excused.

Hall.

The bill was read second time, and passed to engrossment.

## Adjournment.

At 6:02 o'clock p. m. the Senate, on motion of Senator Alderdice, adjourned until 10 o'clock tomorrow morning.

## APPENDIX.

## Petitions and Memorials.

Senator Cousins offered ten telegrams opposing S. B. No. 44 and six telegrams opposing H. B. No. 25, all from parties in his district.

Senator Cousins also presented a communication from the Nacogdoches County Medical Society, expressing disapproval of the optometry bill.

Senator McNealus offered five telegrams from citizens of Dallas, opposing H. B. No. 25, relating to the Dairy and Food Department.

Senator McNealus also presented communications from two Dallas labor unions, opposing the abolishing of the Industrial Accident Board and the office of State Inspector of Masonry.

Senator Clark offered four telegrams from citizens in his district, all in opposition to H. B. No. 25.

Senator Clark also presented a petition with numerous signatures from Eagle Lake, favoring the whole family insurance bill.

Senator Bailey offered a numerous signed petition from Karnes County, opposing changes in the Department of Agriculture.

Senators Gibson and Smith each presented petitions numerously signed, favoring the whole family insurance bill.

Senator Hertzberg offered seven petitions, all numerously signed, from citizens of San Antonio, and all opposing the passage of the whole family insurance bill.

#### Engrossing Committee Reports.

Committee Room,  
Austin, Texas, Feb. 12, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 109 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,  
Austin, Texas, Feb. 12, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 55 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,  
Austin, Texas, Feb. 12, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 150, carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,  
Austin, Texas, Feb. 12, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 32 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,  
Austin, Texas, Feb. 12, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 33 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,  
Austin, Texas, Feb. 12, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 149 carefully compared, and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,  
Austin, Texas, Feb. 12, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Joint Resolution No. 13 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,  
Austin, Texas, Feb. 12, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 95 carefully compared and find same to be carefully engrossed.

FAUST, Chairman.

Committee Room,  
Austin, Texas, Feb. 12, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 9 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

#### Committee Reports.

(Floor Report.)

Senate Chamber,  
Austin, Texas, Feb. 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 59, A bill to be entitled "An Act to amend an Act passed by the Thirty-second Legislature, and approved on the 23d day of March, 1911, by adding to said Act Section 17, providing that the funds hereafter derived from any county road tax, or from the sale of any county road bonds, and not such funds as have been provided by elections in precincts or defined districts, shall be

pro rated between the commissioners' precincts of Hardin County, when said tax is so levied or said bonds are so issued, in the ratio that the amount so collected or obtained by the county, and the Commissioners' Court shall require the County Treasurer to keep a separate account for each commissioners' precinct of said county of all the road funds so arising, or obtained by the county, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with recommendation that it do pass, and that it be not printed.

WOODS.  
CARLOCK.  
WILLIFORD.  
CALDWELL.

Committee Room,  
Austin, Texas, Feb. 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 238, A bill to be entitled "An Act authorizing the Commissioner of the General Land Office to lease the lands owned by the State, under the control and management of the Board of Prison Commissioners, known as the penitentiary lands, and the lands under the control and management of the Board of the Institution for Training of Juveniles, located in Coryell County, Texas, to any person, firm or corporation desiring the right to prospect for and develop petroleum, oil or natural gas thereon; providing that said leases may be executed under the terms and conditions and in the same manner as now provided for by law for the leasing of public free school, university and asylum lands; and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and that it be printed in the Journal only.

CALDWELL, Chairman.

By Buchanan of Bell. S. B. No. 238.  
Westbrook, Alder-  
dice, Bell, Caldwell,  
Dayton, Parr, Hertz-  
berg, Page, Dean,  
Carlock, Buchanan  
of Scurry.

## A BILL To Be Entitled

An Act authorizing the Commissioner of the General Land Office to lease the lands owned by the State, under the control and management of the Board of Prison Commissioners, known as the penitentiary land, and the lands under the control and management of the Board of the Institution for Training Juveniles, located in Coryell County, Texas, to any person, firm or corporation desiring the right to prospect for and develop petroleum, oil or natural gas thereon; providing that said leases may be executed under the terms and conditions and in the same manner as now provided for by law for the leasing of public free school, university and asylum lands; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The Commissioner of the General Land Office of the State of Texas is hereby authorized and empowered to lease the lands herein mentioned to any person, firm, corporation or association of persons desiring to obtain the right to prospect for and develop petroleum, oil and natural gas that may be in any of the lands owned by the State and which are under the control and management of the State Prison Commission, known as the penitentiary farm lands, and the lands under the control of the governing board of the Institution for the Training of Juveniles, the last mentioned lands being located in Coryell County, Texas; provided, that said leases shall be granted by the Commissioner of the General Land Office on the same terms, conditions and in the manner now provided by law authorizing the leasing of the surveyed public free school lands, university or asylum lands.

Section 2. Whereas, there are thousands of acres of land owned by the State, under the control of the above institutions, which probably have valuable oil deposits thereunder and which are not now subject to lease by the State, and which, if leased and if oil should be found thereunder in paying quantities, it would mean a great financial benefit to the State, creates an emergency and an imperative public necessity

that the constitutional rule requiring all bills to be read on three days be, and the same is, hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

(Floor Report)

Senate Chamber,  
Austin, Texas, Feb. 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 215, A bill to be entitled "An Act to repeal Chapter 23 of the Local and Special Laws of the State of Texas passed at the Regular Session of the Thirty-fifth Legislature. The same being 'An Act to create a more efficient system of roads for Live Oak County, Texas,' "

Have had same under consideration and we beg leave to report same back to the Senate, with recommendation that it do pass, and that it be not printed.

WOODS.  
CARLOCK.  
WILLIFORD.  
CALDWELL.

(Floor Report)

Senate Chamber,  
Austin, Texas, Feb. 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 205, A bill to be entitled "An Act to amend Section 9, Chapter 20 of the local and special laws, passed by the Fourth Called Session of the Thirty-fifth Legislature, being 'An Act to amend Section 9 of Chapter 17, special laws passed at the First Called Session of the Thirty-third Legislature, entitled 'San Patricio County Road System-Creating' authorizing said county or any political subdivision or defined district thereof, to issue bonds not exceeding forty years from date of issuance, with such option of redemption as may be fixed by the commissioners' court, or to issue such bonds to mature serially in approximately equal portions every year for not exceeding forty years, and declaring an emergency,' by changing the rate

of interest provided in Section 9 thereof, from not exceeding 5 per cent to 5½ per cent, and declaring an emergency,"

Have had same under consideration, and we are instructed to report same back to the Senate, with recommendation that it do pass, and that it be not printed.

WOODS.  
CARLOCK.  
WILLIFORD.  
CALDWELL.

(Floor Report)

Senate Chamber,  
Austin, Texas, Feb. 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 269, A bill to be entitled "An Act to create a more efficient road system for Wood county, etc., and declaring an emergency,"

Have had same under consideration, and we beg leave to report same back to the Senate, with recommendation that it do pass, and that it be not printed.

WOODS.  
CARLOCK.  
WILLIFORD.  
CALDWELL.

(Floor Report)

Senate Chamber,  
Austin, Texas, Feb. 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 131, A bill to be entitled "An Act to amend Sections 3 and 7 of Chapter 32 of the local and Special laws of the Regular Session of the Thirty-fifth Legislature, so as to regulate the pay of road hands and teams, and road overseers of Gillespie County, Texas."

Have had same under consideration, and we are instructed to report same back to the Senate, with recommendation that it do pass, and that it be not printed.

WOODS.  
CARLOCK.  
WILLIFORD.  
CALDWELL.

## (Floor Report)

Senate Chamber,  
Austin, Texas, Feb. 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 198, A bill to be entitled "An Act to amend Sections 5 and 13 Chapter 2 of the local and special laws of the Regular Session of the Thirty-third Legislature, as amended by Chapter 2 of local and special laws passed at the Regular Session of the Thirty-fourth Legislature, the same being a special road law for Shelby county; requiring ten days work from each person subject to road duty or to require in lieu thereof the payment of five dollars (\$5.00) by each said person; and to require the commissioners' court at the regular sessions of their court in February of every year, or at any time they may see fit, to appoint road overseers; and providing that said five dollars (\$5.00) shall be paid on or before the first day of March for the year 1919 and on or before the 31st day of January for every year thereafter repealing all laws in conflict herewith, and declaring an emergency,"

Have had same under consideration, and we beg leave to report same back to the Senate, with recommendation that it do pass, and that it be not read.

WOODS.  
CARLOCK.  
WILLIFORD.  
CALDWELL.

Committee Room,  
Austin, Texas, Feb. 12, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 20, Being a resolution to be entitled "A Joint Resolution proposing and submitting to a vote of the people of Texas an amendment to the State Constitution so as to extend to any county or subdivision thereof, the right to levy by majority vote of the qualified voters, who have been assessed or paid property tax, a special tax of not exceeding sixty cents on the one hundred dollars val-

uation for the maintenance and improvement of public roads."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

BUCHANAN of Bell, Chairman.

## (Floor Report.)

Senate Chamber,  
Austin, Texas, Feb. 12, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Judicial Districts to whom was referred

H. B. No. 67, A bill to be entitled "An Act to amend the Act of the Thirty-fourth Legislature entitled 'An Act to create a County Court of Jefferson county, at law, to define its jurisdiction,' etc.,"

Have had same under consideration and beg leave to report the same back to the Senate with the recommendation that the same do pass and be not printed.

DOROUGH.  
BAILEY.  
WITT.

## (Floor Report.)

Senate Chamber,  
Austin, Texas, Feb. 12, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Insurance and Banking, have had under consideration, S. B. No. 83, beg leave to report that same do not pass, but that the committee substitute do pass.

SMITH, Chairman.  
GIBSON, Vice-Chairman.

Committee Room,  
Austin, Texas, Feb. 12, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred S. B. No. 218, have had same under consideration, and I am directed to report same back to the Senate with the recommendation that it do pass with the following committee amendment:

Amend the bill by omitting after the comma in Section 3, line 6, the words, "He shall report same to the

County Judge" and insert in lieu thereof, the words, "he shall immediately report same in triplicate, one copy to the County Judge, one to the Health Officer, and one to be kept in his files and transmitted to his successor in office."

McNEALUS, Chairman.

Committee Room,  
Austin, Texas, Feb. 12, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred House Bill No. 1, have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

McNEALUS, Chairman.

Committee Room,  
Austin, Texas, Feb. 12, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred House Bill No. 27, have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

McNEALUS, Chairman.

Committee Room,  
Austin, Texas, Feb. 12, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred S. B. No. 153, have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

McNEALUS, Chairman.

Committee Room,  
Austin, Texas, Feb. 12, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred Senate Concurrent Resolution No. 19, have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

ALDERDICE, Chairman.

Committee Room,  
Austin, Texas, Feb. 12, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Public

Health, to whom was referred Senate Bill No. 242, have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

McNEALUS, Chairman.

(Majority Report.)

Committee Room,  
Austin, Texas, Feb. 12, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, a majority of your Committee on Educational Affairs, to whom was referred

S. B. No. 235, A bill to be entitled "An Act to amend House Bill No. 128, passed by the Fourth Called Session of the Thirty-fifth Legislature of the State of Texas, providing that teachers in the public free schools shall be required to conduct school work in the English language exclusively, preventing the adoption of texts for elementary grades not printed in English, defining the grades in which a foreign language may be taught, and fixing the penalties for the violation of provisions of this Act, and further providing that the teaching of French and Spanish in the public free schools of the State of Texas, and granting authority to the trustees of said public free schools to prescribe the text books for the teaching of said languages,"

Have had same under consideration, and report it back to the Senate with the recommendation that it do pass.

ALDERDICE, Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, Feb. 12, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, a minority of your Committee on Educational Affairs, to whom was referred Senate Bill No. 235, have had same under consideration, and beg leave to report it back to the Senate with the recommendation that it do not pass.

DAYTON.

ALDERDICE.

Committee Room,  
Austin, Texas, Feb. 12, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Edu-

cational Affairs, to whom was referred Senate Bill No. 232, have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

ALDERDICE, Chairman.

Committee Room,  
Austin, Texas, Feb. 12, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred Senate Bill No. 201, have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

ALDERDICE, Chairman.

Committee Room,  
Austin, Texas, Feb. 12, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred Senate Bill No. 246, have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

ALDERDICE, Chairman.

Committee Room,  
Austin, Texas, Feb. 12, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred Senate Bill No. 251, have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

ALDERDICE, Chairman.

Committee Room,  
Austin, Texas, Feb. 12, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

S. B. No. 257, "An Act to amend Article 6504, Title 115, Chapter 8, Revised Statutes of Texas, 1911, referring to condemnation of right-of-way for double trackage, etc.,"

Have had same under consideration, and beg leave to report the same back to the Senate with the recommendation that the same do pass.

BUCHANAN of Scurry,  
Chairman.

Committee Room,  
Austin, Texas, Feb. 12, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Stock and Stock Raising, to whom was referred S. B. No. 174, being a bill to be entitled "An Act providing for the Live Stock Sanitary Commission to co-operate with the Bureau of Animal Industry, United States Department of Agriculture, for the eradication of tuberculosis among cattle within the State of Texas, and providing for the partial indemnification to the owner of cattle reacting to the tuberculin test, and declaring an emergency,"

Have had the same under consideration, and beg to report same back to the Senate with the recommendation that it do pass.

CLARK, Chairman.

## TWENTY-THIRD DAY.

Senate Chamber,  
Austin, Texas,  
Thursday, February 13, 1919.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Gibson.
Bailey.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Page.
Clark.	Parr.
Cousins.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Floyd.	Woods.

Absent—Excused.

Bell. Hall.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Dorough.